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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID MCCONNELL,

Defendant.

CASE NO. 4-21-MJ-71002 MAG

**STIPULATION AND ORDER
CONTINUING HEARING AND
EXCLUDING TIME**

Current Date: December 3, 2021 at 1:00 P.M.

Proposed Date: February 3, 2022 at 10:00 A.M.

The defendant is currently scheduled to appear before the Court on December 3, 2021, at 1:00 p.m., for status on detention, and status on preliminary hearing or arraignment. The government and defense counsel have conferred and continue to confer in an attempt to reach a prompt pre-indictment resolution. The government has produced discovery and relayed a pre-indictment plea offer, which defense counsel needs additional time to review with the defendant. Defense counsel is continuing to research and investigate necessary information as well, including in light of recent legal developments. The parties are therefore requesting that the status regarding preliminary hearing or arraignment be rescheduled to February 3, 2022, at 10:00 A.M. to allow for the effective preparation of counsel.

The parties are further requesting that the time between December 3, 2021, and February 3,

The undersigned Assistant United States Attorney certifies that she has obtained approval from counsel for the defendant to file this stipulation and proposed order.

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JOHN PAUL REICHMUTH
Attorney for David McConnell

ORDER

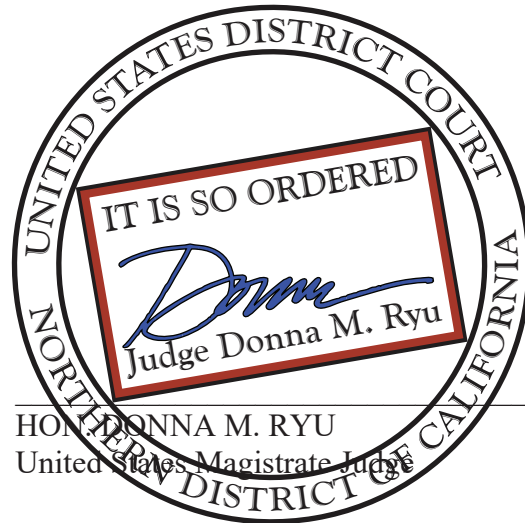
The status hearing currently scheduled for defendant David McConnell for December 3, 2021, is rescheduled for February 3, 2022, at 10:00 A.M.

The Court further finds that the exclusion of time from December 3, 2021, through and including February 3, 2022, is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The failure to grant the requested continuance would deny effective preparation of counsel and would result in a miscarriage of justice. 18 U.S.C. § 3161 (h)(7)(B)(iv).

The Court further finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1, and for extending the 30-day time period for an indictment under the Speedy Trial Act. *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

IT IS SO ORDERED.

DATED: November 30, 2021



HON. DONNA M. RYU
United States Magistrate Judge